PM-B d:/redriverbasin/redriverrecon/012301 IO mtg MFR.doc

MEMORANDUM FOR RECORD 5 February 2001
SUBJECT: Red River Reconnaissance Study – 23 January 2001 Informational/Organizational Meeting

GENERAL

1. The Red River Reconnaissance Study (RRRS) Informational/Organizational (I/O) meeting was held at the Red River Inn, Moorhead, MN, from 1300 to about 1530. Attendees (based on sign-in sheets and business cards):

STATE / PROVINCE		**LOCAL GOVERNMENT**	
John Towle	MB Conservation, Water Res.	Dennis Ertelt	Sheyenne River JWRD
Lynn Schleuter	ND GF	Joel Halvorson	Traill County WRD
Randy Gjestvang	ND SWC	Gary Thompson	Traill County WRD
Bob Walton	ND DOT	Mark Breker	Sargent County WRD
Pete Waller	MN BWSR	Robert Rostad	Richland County WRD
Brian Dwight	MN BWSR	Al Biggs	Richland County WRD
Paul Swenson	MN DNR	Gordon Johnson	Richland County WRD
Jeff Lewis	MN PCA	Jerry Bennett	Wild Rice WD
		Bruce Albright	Buffalo-Red River WD
NON-GOVERNMENTAL ORGANIZATIONS		Bob Kloubec	Buffalo-Red River WD
Scott McLeod	DU	Karen Branden	Buffalo-Red River WD
Jon Schneider	DU	Nick Drees	Middle R-Snake R WD
		Jon Roeschlein	Bois de Sioux WD
OTHER		Dan Money	Two Rivers WD
James Hand	Office of Senator Conrad	Rob Sando	Roseau River WD
Jeffrey Volk	Moore Engineering, Inc.	Mark Bittner	City of Fargo
Ed Steadman	UND EERC/RRWMC	Jerry Lien	City of Wahpeton
FEDERAL		**REGIONAL**	
Chuck Spitzack	Corps of Engineers	Jim Moench	RRBB
Tom Raster	Corps of Engineers	Chuck Fritz	RRBB
Doug Van Daalen	NRCS	Julie Goehring	RRBB
Steve Robinson	USGS	Angela Whitney	RRBB
John Braastad	USFWS	Dick Nelson	RRWMB
		Don Ogaard	RRWMB
TRIBAL		Jim McLaughlin	RR Water Resource Council
None			

2. The purpose of the I/O meeting was to kick off the RRRS by (a) discussing the background and purpose of the RRRS in the context of other ongoing efforts in the basin, (b) presenting a framework/process for the RRRS, and (c) getting feedback and input on the proposed strawman framework/process. The agenda for subject meeting:

a. Administrative matters – Raster
b. Welcome / Introductions / RRBB perspective – Moench
c. Federal perspective – Spitzack
d. RRRS strawman framework/process – Raster
e. Breakout groups – Facilitated by Raster, Spitzack, Fritz, Goehring, Whitney

RRRS PURPOSE

3. There have been a number of commendable success stories in the Red River basin since the 1997 flood. Examples: The Grand Forks-East Grand Forks reconstruction and flood protection projects, IFMI's legacy

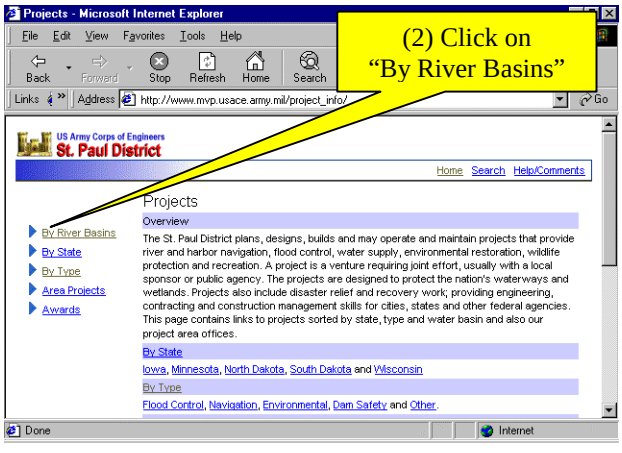
of international and interstate cooperation, RRBB's grassroots organization and activist role, and the Mediation Agreement's commitment to up-front stakeholder coordination and multipurpose projects. Nonetheless, the water resources arena needs even more attention: Red River basin residents are confused by what seems to be an ever-growing plethora of overlapping Federal/State/regional/local efforts addressing the basin's problems, needs, and opportunities. Furthermore, the effectiveness of many such efforts is constrained by International, State, county, or watershed boundaries … or in terms of scope/ purview/authority (e.g., focusing solely on floods or serving only an informational or advocacy role).

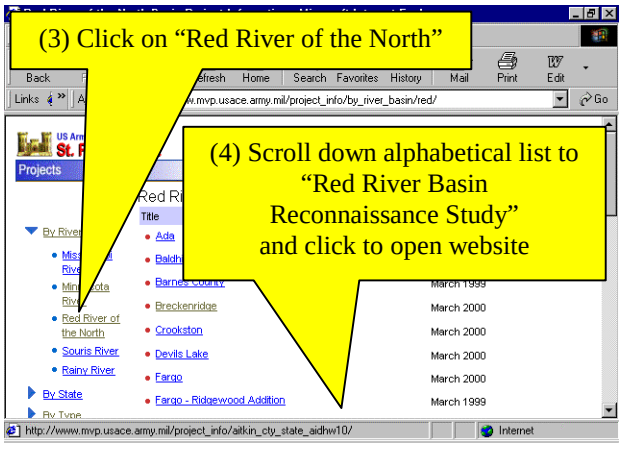
4. The RRRS will remedy many of those shortcomings by linking and expanding ongoing efforts and by providing a pragmatic itinerary for securing authority and funding for solutions. The RRRS will address the full array of Red River basin water resources problems/issues/concerns/opportunities – flood damage reduction (FDR), natural resource enhancement (NRE), drought, water supply, water quality, erosion, sedimentation, etc. Working at the Federal level, the Corps of Engineers (Corps) will help bridge boundaries and marry ongoing and new efforts into a comprehensive, coordinated nexus. In addition, the RRRS will infuse Federal funds and authority to leverage non-Federal resources and provide a direct pathway and momentum leading to implementation of solutions.

RRRS INFORMATION

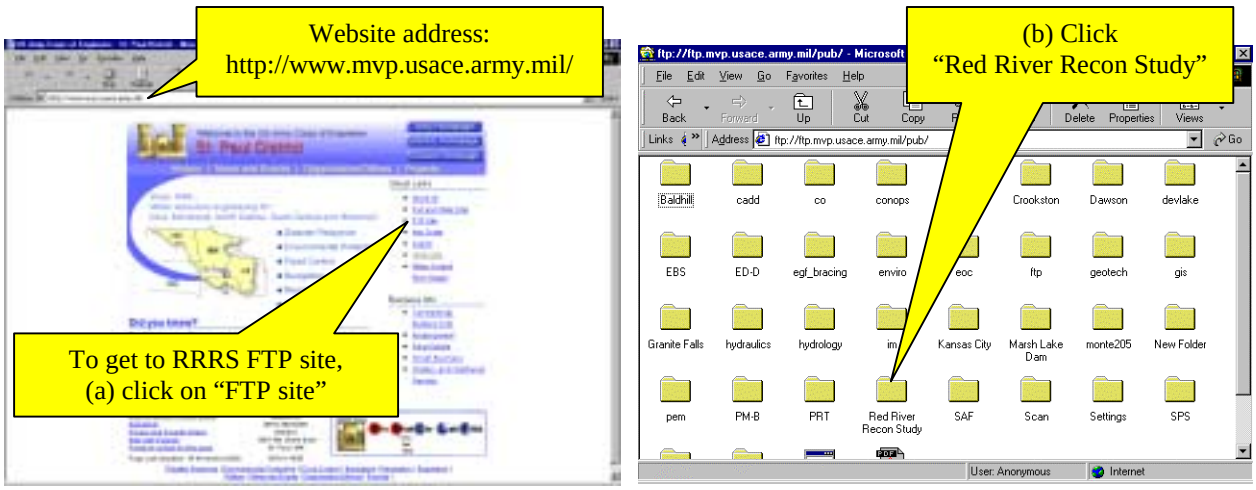
5. Raster notified I/O meeting attendees that the Corps has a RRRS website accessible from the St. Paul District homepage as shown in the accompanying three figures. This MFR has been added to the RRRS website so folks that attended the I/O meeting can rehash what was covered, and folks that missed the meeting can get the gist of what was addressed.

6. At the I/O meeting, Raster asked attendees to indicate their email address because the Corps intends to use email as much as possible in order to save time, money, and trees. One problem with email is that large (megabyte-plus) files attached to email messages cause the performance of the Corps' and recipients' networks to degrade. To avoid that problem, the Corps has set





up a File Transfer Protocol (FTP) website where large attachments can be accessed. The two-step process to get to the FTP site from the St. Paul District homepage is shown in the two figures below. The I/O meeting's PowerPoint presentation has been placed in the RRRS FTP site and may be downloaded and run by interested parties.



FEDERAL PERSPECTIVE

7. Spitzack put recon studies (and, specifically, the RRRS) into perspective from a Federal standpoint (see accompanying slides from his I/O meeting presentation): A recon study is the first step in the Federal process for water resources development. The recon phase is followed by a more comprehensive feasibility study to analyze alternative solutions, comply with NEPA requirements, and recommend specific solutions. The feasibility phase is followed by the implementation phase, which includes detailed engineering, preparation of design documents, and construction.

RED RIVER RECONNAISSANCE STUDY

FEDERAL PERSPECTIVE

- What is a reconnaissance study?
  - First step in Federal process for water resource development
  - Allocation of limited resources
  - Local/regional commitment
  - Take advantage of non-Federal initiatives
  - Leverage non-Federal resources

8. The recon phase provides an initial assessment to determine if there is an applicable Federal program and whether the problems/needs and potential solutions are consistent with the Nation's objectives. Invariably, project implementation is constrained by limited Federal and non-Federal resources, particularly funding … and a recon study helps to prioritize societal needs and determine which projects most cost-effectively address those needs. A recon study also recognizes and credits non-Federal initiatives and verifies that there is a requisite local/regional commitment to a Federal/non-Federal partnership in seeking solutions.

RED RIVER RECONNAISSANCE STUDY

FEDERAL PERSPECTIVE (continued)

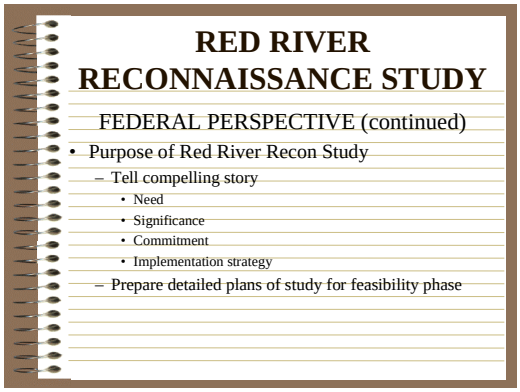
- Genesis of the Red River Recon Study
  - Several factors
  - Comprehensive basin approach: RRBB, Mediation Agreement, IJC Task Force, IFMI
  - Change in benefit evaluation
  - Requests for Federal assistance

9. The RRRS is the logical outgrowth of the profusion of ongoing efforts – IFMI, IJC, RRBB, Mediation Agreement, etc. – that led a number of participants to conclude that stronger Federal support would help provide a comprehensive basinwide perspective, nudge efforts toward implementation of solutions, and leverage non-Federal resources. Consequently, State, regional, and local agencies and non-governmental organizations (NGOs) banded together to support the proposed RRRS.

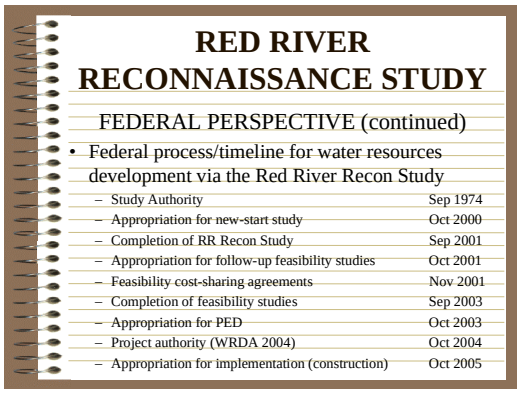
10. The Corps was recognized as the logical lead Federal agency because the primary genesis for ongoing efforts in the basin has been FDR, a traditional Corps' function. Further support for a Corps' lead role was provided by a growing NRE profile in the basin as reflected by the recent Mediation Agreement, which promotes multipurpose projects that provide FDR and concomitant NRE. That approach was endorsed by Thomas Baldini, Chair of the U.S. Section of the IJC, in remarks during the 9 January 2001 Red River Basin Disaster Information Network (RRBDIN) on-line workshop: "*Comprehensive, integrated, binational*

solutions to flood problems are required. Flood protection projects should focus not only on reduction of flood damage, but also on protection and enhancement of the floodplain environment." Here, too, the Corps is the logical lead Federal agency for the RRRS based on its expanding role in environmental enhancement via Section 206 and Section 1135 of the Continuing Authorities Program (CAP) and the relatively new Challenge 21 authority. When funded, Challenge 21 will focus on projects that provide both FDR and environmental enhancement in the Red River basin and twenty-two other priority watersheds across the Nation.

11. If the RRRS is to lead to a substantial, long-term Federal/non-Federal partnership targeted at the Red River basin's water resources problems, the RRRS needs to tell a compelling story that reflects the National significance of the basin's needs, emphasizes the non-Federal commitment to such a partnership, and presents a logical implementation strategy. The RRRS report will present plans of study for follow-up feasibility studies addressing specific problems/opportunities in the Red River basin's tributary watersheds.



12. Spitzack presented a timeline for water resources projects that follow the recon-feasibility-implementation process leading to specific Congressional authorization. During that process, it's likely that a number of projects will spin off into existing programs that provide faster implementation. Spitzack's timeline does not reflect those fast-track projects. His timeline shows RRRS completion in Fiscal Year 2001 (September 2001). The earliest follow-up feasibility studies could commence early in Fiscal Year 2002 (November 2001) and be completed by the end of Fiscal Year 2003 (September 2003). Fiscal Year 2004 funds would allow preconstruction engineering and design (PED) … and set the project up for construction authorization in the 2004 Water Resources and Development Act (WRDA 2004) … followed by an appropriation of construction funds in Fiscal Year 2006 (starting October 2005). Raster presented a more optimistic timeline for some candidate follow-up feasibility studies that have a potential for an early start and expedited approach (see paragraphs 22-27).

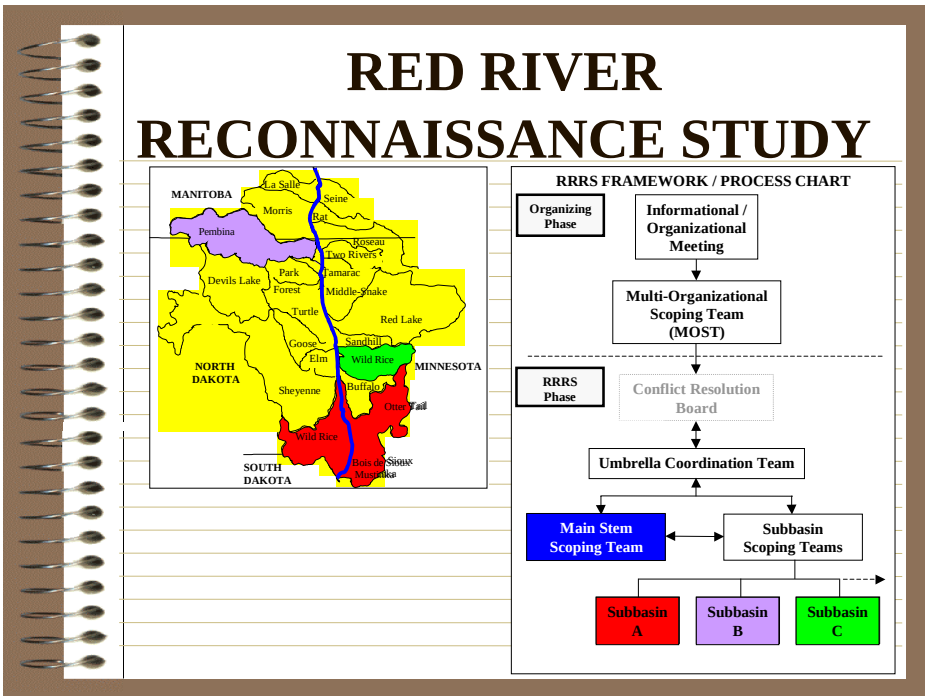


RRRS FRAMEWORK AND PROCESS

13. Raster walked I/O meeting attendees through the key elements of the proposed RRRS framework and process, starting with the I/O meeting (see accompanying figure).

14. **Multi-Organizational Scoping Team (MOST)** – The MOST will be responsible for fleshing out the RRRS structure and will have the benefit of ideas/suggestions/ recommendations generated during the I/O meeting's breakout groups. The MOST will (a) select stakeholder membership for the Conflict Resolution Board and Umbrella Coordination Team, (b) identify individual or combination subbasins for the follow-up feasibility studies, and (c) propose representative, generic stakeholder lists for the main stem and subbasin scoping teams that must develop plans of study for those follow-up feasibility studies. Completion of the MOST's duties will signal the end of the RRRS's organizing phase and the start of the RRRS proper. At that juncture, the MOST could dissolve; however, Raster suggested that the breakout groups think about having the MOST evolve into the Umbrella Coordination Team (or the nucleus of the Umbrella Coordination Team). Raster suggested a MOST on the order of a dozen members would probably ensure broad enough representation, but avoid bloating to the point of being unable to reach consensus.

15. **Conflict Resolution Board (CRB)** – Raster characterized the CRB as a "shadow Supreme Court" that exists on paper but, hopefully, never convenes. It will convene only to provide last-resort conflict resolution that can't be handled by the Umbrella Coordination Team and scoping teams. The CRB's members will be heads of agencies, NGOs, etc., or their designees.



16. **Umbrella Coordination Team (UCT)** – The UCT will guide and coordinate the main stem and subbasin scoping teams during the preparation of plans-of-study (Project Study Plans or PSPs in Corps' vernacular) for the follow-up feasibility studies. The UCT will strive for compatibility (e.g., between main stem and subbasin hydrologic models), prevent redundancies/overlap, make sure nothing "fell through the cracks," and collaborate with main stem and subbasin scoping teams to identify and assess alternatives with potential main stem benefits.

17. In addition, the UCT will address basinwide initiatives – either handling such matters internally or assigning them to the appropriate scoping team(s). Raster used M&I water supply via the recent Dakota Water Resources Act (DWRA) as an example of an initiative that transcends the RRRS's main stem/ subbasin structure. Another example is a basinwide GIS linked to the IJC's Red River Basin Disaster Information Network (RRBDIN).

18. Raster also tasked the UCT with assisting the Corps to consolidate and prioritize the follow-up feasibility studies' PSPs and to prepare the RRRS report.

19. **Main stem and subbasin scoping teams** – Why not have a single, all-encompassing basinwide feasibility study?

a. First: The multi-million dollar cost of a basinwide study would be intimidating, even with 50/50 Federal/non-Federal cost sharing. Subbasin-sized appropriations spread over several years will be more affordable to Federal and State authorities and other cost-sharing partners.
b. Second: The subbasin approach follows the philosophy of bottom-up/grassroots planning versus a single-study/one-size-fits-all/top-down approach. At the same time, the RRRS will strive for the basinwide perspective that Mr. Baldini was advocating when he said: *"Further work is also needed – again, on a basin-wide basis – to develop and implement comprehensive plans, provide opportunities for multi-jurisdictional problem-solving, and integrate floodplain management activities into the broader filed of watershed and basin management."* That dichotomy will require a proactive Umbrella Coordination Team that keeps the main stem and subbasin scoping teams on the same page … and yet allows them flexibility to address their particular needs.
c. Third: It makes no sense to have everybody's pace dictated by the slowest participant … to put early implementation prospects on hold, while a basinwide feasibility study grinds toward completion hostage to participants that aren't as motivated or up to speed. With the subbasin approach, everyone moves at their own pace; subbasins that have critical needs or already have an

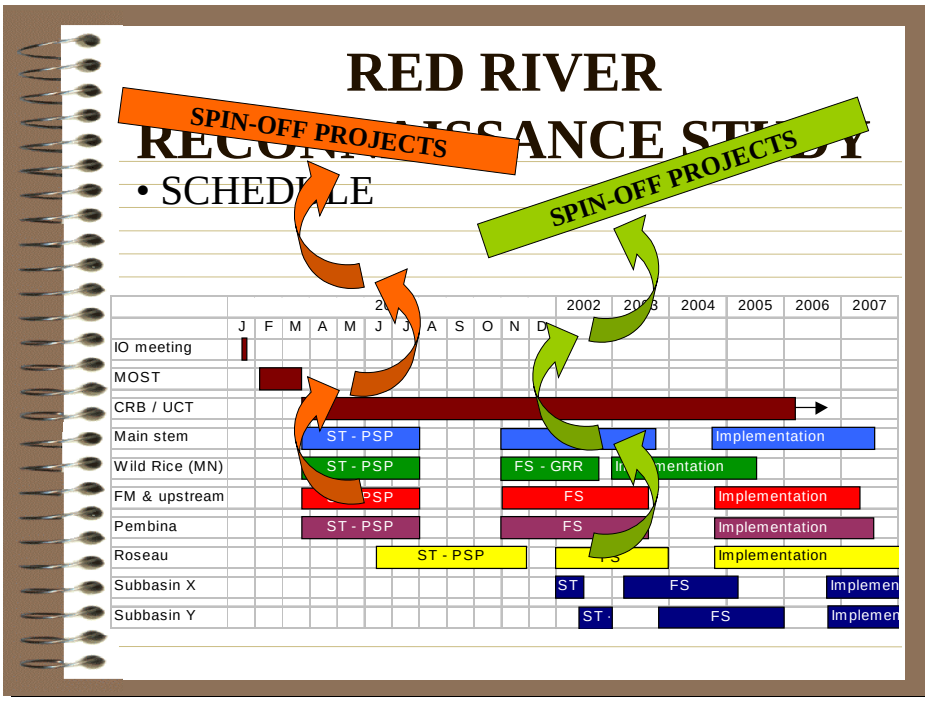
organizational framework in place can move ahead at full speed. The bottom line is that areas already on a fast-track to project implementation should be rewarded with higher priority … not slowed down by rolling everything into a single, all-inclusive study.

20. Raster commented that some subbasins already have an organizational structure tailored to the RRRS scoping process. Based on his involvement with several Minnesota watershed districts addressing projects under the Mediation Agreement, he suggested that the MOST look at the Project Teams set up by those watershed districts as prototype scoping teams for development of follow-up feasibility study PSPs. He also cited the Pembina River Basin Advisory Board as a candidate scoping team or the nucleus of a scoping team.

21. He commented that, in a sense, the RRRS report will provide a "snapshot in time" of the basin and proposed follow-up feasibility studies … because many subbasins won't be able to get their act together within the RRRS timeframe. Nonetheless, post-RRRS participation in this process will ultimately pay off even for latecomers.

RRRS SCHEDULE

22. Raster presented a hypothetical schedule for the Red River basin recon-feasibility-implementation process (see accompanying figure). The schedule shows the MOST convening in early February and concluding its work in mid-March. He noted that Spitzack's timeline showed the RRRS would be completed by the end of September; however, Raster proposed that the CRB and UCT stay in business indefinitely to provide guidance and support for subbasin scoping teams working after that deadline.



23. The schedule shows four "fast-start" scoping teams:

a. **Main Stem Scoping Team** (the **blue** line on the map in the figure adjacent to paragraph 15 and **blue** timeline in the schedule) – The main stem and subbasin scoping teams need to be coordinated from the get-go because FDR measures proposed for the subbasins could have significant impacts on main stem flooding.

b. **Wild Rice Scoping Team** (the **green** subbasin on the map and **green** timeline in the schedule) – Minnesota watershed districts will be updating their watershed management plans over the next several years. The Wild Rice Watershed District expects to complete its update this year. Raster commented that the Wild Rice update process seems to go a long way toward meeting the requirements of a feasibility study, in which case the update could quickly be tweaked into feasibility study "mode" using a General Reevaluation Report (GRR) and theoretically move the Wild Rice subbasin to the top of the list for project implementation.

c. **Fargo-Moorhead and Upstream Scoping Team** (the **red** subbasin on the map and **red** timeline in the schedule) – Critical flood problems in the Fargo-Moorhead area dictate that the urban area

and the watershed upstream form one of the first scoping teams … or that the players in that watershed (e.g., Bois de Sioux Watershed District, Wild Rice River (ND), contributing South Dakota drainage area, etc.) form independent, but closely coordinated scoping teams.

d. **Pembina Subbasin Scoping Team** (the **purple** subbasin on the map and **purple** timeline in the schedule) – As noted earlier, the Pembina subbasin might already have an organizational structure that lends itself to up-front participation and early implementation of solutions.

24. As shown in the schedule, completion of the RRRS in September 2001 means that scoping teams that want consideration for the first round of follow-up feasibility studies need to submit their PSPs by the end of July 2001. From that point, the main stem, Fargo-Moorhead, and Pembina timelines are more-or-less the same … with the feasibility study starting in November 2001 and being completed within 2 years … followed by implementation authorization and funding in WRDA 2004 … and with construction completed somewhere in the 2007 timeframe.

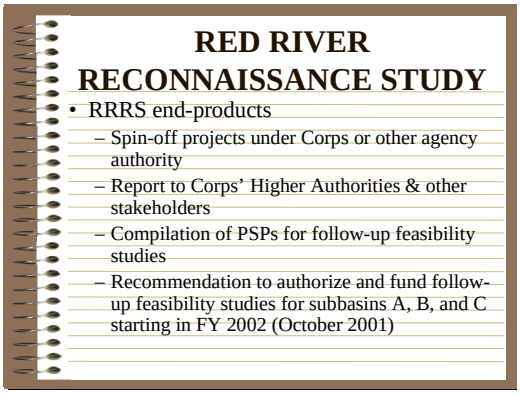
25. In contrast, the schedule shows the Wild Rice feasibility-GRR being completed in 1 year … which would tie its implementation to WRDA 2002, a 2-year head start over the hypothetical timelines for the main stem, Fargo-Moorhead, and Pembina efforts.

26. The schedule also shows examples of subbasin scoping teams that don't complete their PSPs in time for the RRRS report. Like the Wild Rice Watershed District, the Roseau River and Bois de Sioux Watershed Districts are updating their watershed management plans, but are not as far along. This could prove fiscally advantageous if each scoping team can merge the watershed management plan update and subbasin feasibility study to take advantage of the latter's 50/50 cost sharing. The yellow timeline in the schedule shows the Roseau subbasin scoping team's PSP might be too late to get into the RRRS report, but could still join the queue for a Fiscal Year 2002 feasibility study new-start and catch up by the implementation phase.

27. Subbasins X and Y represent even later scoping efforts … and are examples of what Raster termed a "continuum" of scoping teams, PSPs, feasibility studies, and project implementations over the next 10+ years. In the "real world," limited Federal and non-Federal budgets will constrain how many feasibility studies and construction jobs can be supported at any one time; therefore, this continuum concept is probably a realistic picture of a long-term Federal and non-Federal investment in water resources development in the basin.

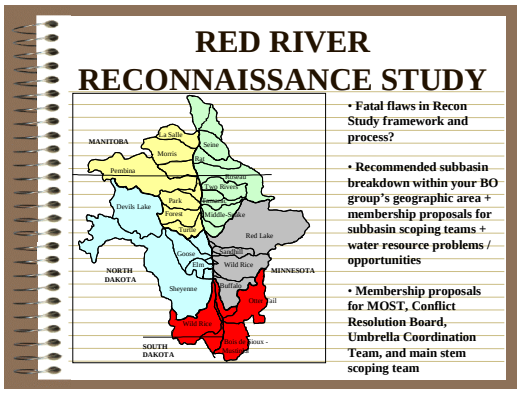
RRRS END-PRODUCTS

28. Although they are more a byproduct than end-product, it's likely that during the RRRS process a number of initiatives will be identified that fit existing programs that offer faster implementation. Those spin-off initiatives might plug into another Corps authority (like Section 205) or another agency's program (e.g., a NRCS 566 project) … and don't have to be a construction project (e.g., a CREP land set-aside or EPA 319 water quality monitoring project).



29. The need to submit a RRRS report was mentioned previously. This report will be the basis for requesting Congressional authorization and funding for the first round of follow-up feasibility studies. This report will compile the PSPs for those feasibility studies and prioritize them on the basis of criticality, availability of a non-Federal sponsor willing to cost share the feasibility study, and capability for quick implementation.

BREAKOUT GROUPS



30. As shown on the accompanying figure, the I/O meeting's plenary session was divided into five breakout groups by geographic area:

a. South Dakota, North Dakota, and Minnesota watersheds upstream of and including the Fargo-Moorhead urban area
b. North Dakota watersheds between the Fargo and Grand Forks
c. Minnesota watersheds between Moorhead and East Grand Forks
d. North Dakota and Manitoba watersheds downstream of Grand Forks
e. Minnesota and Manitoba watersheds downstream of East Grand Forks

31. The five breakout groups were tasked with producing several categories of ideas/suggestions/ recommendations in order to give the MOST a head start in its assignment of fleshing out the RRRS structure:

a. Identify fatal flaws in the strawman framework and process
b. Recommend a subbasin breakdown within the breakout group's geographic area
c. Develop membership proposals for the MOST, CRB, UCT, main stem scoping team, and subbasin scoping teams within the breakout group's geographic area
d. Identify key water resources issues/problems/needs/opportunities within the breakout group's geographic area

Results from the breakout group sessions and follow-up discussions are shown in the paragraphs that follow.

FATAL FLAWS AND OTHER ISSUES

32. Among the issues brought up by more than one breakout group was the lack of an adequate explanation regarding the recon concept and the RRRS, in particular. It was apparent that a number of agency/organization heads to whom the Corps had mailed RRRS materials prior to the I/O meeting had not forwarded those materials to their assigned points-of-contact (POCs). Therefore, several attendees were starting from ground-zero at this meeting and needed a better grounding in the basic terminology, purpose, goals, proposed process, etc. **This MFR attempts to rectify that problem by building a foundation of who, what, when, where, why. Frankly, we don't even know all the questions at this point, much less all the answers. The RRRS process is "organic" in the sense that, as we progress, the process will adapt to fit the situation. The key is having the right players and gaining everyone's commitment and effort.**

33. There were a couple suggestions that the RRRS scope was too ambitious, and the funding and schedule were inadequate. **The broad scope reflects the accepted holistic approach to water-related issues and solutions … and the need to build partnerships between stakeholders with sometimes conflicting agendas if implementation is to succeed. As noted, the RRRS report will be a "snapshot in time" rather than a complete picture … and should establish a compelling argument for a continuing, long-term Federal investment in solutions to the basin's needs.**

34. There was some concern that the RRRS was just another effort and added to the alphabet soup of teams, boards, committees, agencies, etc., in an already confusing hodgepodge of sometimes disjointed, sometimes overlapping efforts. **Some baggage is inevitable with any new initiative, particularly a comprehensive effort such as the RRRS. However, to the extent possible, the Corps wants to avoid adding another layer of bureaucracy and more meeting dates. We expect that most parties would prefer to piggyback RRRS-related efforts onto the existing Red River basin structure. For example,**

Raster noted that Minnesota's Red River basin watershed districts are already structured in the 'subbasin' format … and the Project Teams set up in conjunction with the Mediation Agreement may be ready-made scoping teams. Likewise, joint water resource districts in North Dakota and the Pembina River Basin Advisory Board may be nuclei for subbasin scoping teams. Hopefully, it will simply be a matter of adding the RRRS as another agenda item without overly extending meeting times or burdening organization members. In any event, a Corps staffer or planning consultant will be present to guide/facilitate the group's RRRS-related efforts and ensure that the end-product (the subbasin's feasibility study plan-of-study) is satisfactory.

35. International issues included Manitoba's willingness and ability (a) to participate in the process and (b) to contribute to projects that provide Canadian benefits. Likewise, there were comments/questions about the Canadian scope and process: (a) the main stem continues all the way to Lake Winnipeg [the map was subsequently extended to Lake Winnipeg] and (b) would Manitobans would use the subbasin approach adopted for the U.S. portion of the basin. **The Corps is particularly interested in Canadian/Manitoban participation in subbasins that straddle the international boundary where we must address cross-border problems/solutions/ impacts/benefits … and Manitoba certainly has a vested interest in any proposed U.S. projects with main stem effects. However, the degree of Canadian/Manitoban involvement in the RRRS is at their discretion, as is the framework of the process in subbasins wholly north of the border. Canadian/Manitoban stakeholders might or might not elect to undertake an effort paralleling or dovetailing with the RRRS. It's too early to worry about Canadian financial support for U.S. projects that benefit Manitoba and vice versa; those issues will be addressed if and when such a project evolves from the recon-feasibility process.**

36. There were two primary interstate issues: (a) Consistency of the planning process, with Minnesota watershed districts using the Mediation Process's balanced FDR/NRE perspective, whereas ND and SD subbasin scoping teams might have less emphasis on NRE. **The scoping teams should represent all stakeholders and, thus, should recognize all water resources needs, problems, and opportunities. Furthermore, each team's Corps staffer or planning consultant should help guide the group to a fair assessment of all water resources issues.** (b) There is a greater funding potential in Minnesota than the Dakotas. Will that unbalance of non-Federal funds affect study/project priorities and project implementation? **One of the RRRS end-products is the identification of candidate non-Federal sponsors for the follow-up 50/50 cost-shared feasibility studies. The non-Federal 50 percent may be covered by credit for pre-approved in-kind efforts; thus, the non-Federal cash contribution may be substantially or wholly avoided. As long as there was sufficient non-Federal funds/in-kind effort to cover the Federal appropriation for a given fiscal year, the priority of studies would be made on other criteria, e.g., which subbasins have more critical needs or the organization/resources/means to push toward implementation sooner. A similar situation will exist when we get to the project implementation stage … with non-Federal funding of cost-shared projects being a key factor.**

37. The breakout groups brought up a number of other issues: (a) If a project fails to meet Federal criteria in a subbasin feasibility study, it might have a 'stigma' that will make it difficult for non-Federal interests to proceed with implementation on their own. **Common reasons for not getting Federal support include a lack of Federal interest (e.g., no applicable Federal program) or a lack of economic feasibility (e.g., the Corps' benefit/cost ratio under 1.0). It is conceivable for such a project to lose priority to a Federally-supported project because potential non-Federal partners (e.g., the State) prefer to leverage their funds by investing in Federally cost-shared projects. Nonetheless, if there is non-Federal support for such a project, implementation should be no problem from a Federal perspective as long as project proponents follow the usual regulatory process.** (b) How can you have a recon study for the entire basin without all subbasin scoping teams initiated/functioning concurrently? **Although the RRRS is striving to provide a basinwide perspective, not every part of the basin is equally prepared and ready to proceed at full speed. As noted in the MFR, we wouldn't want to slow the RRRS and a single, basinwide follow-up feasibility study to the pace dictated by the slowest participant. Therefore, we have opted to use the subbasin approach to expedite implementation opportunities … and challenge the Umbrella Coordination Team to ensure the basinwide perspective is preserved.** (c) Is the proposed RRRS recon-feasibility-implementation process dependent on the Corps getting continued funding? **Yes.** (d) How will the RRRS affect current/proposed projects? **Projects in the implementation**

(final design and construction) process will not be affected. Projects in the planning phases will continue in their current Federal, State, or other program; however, their progress should be tracked during the RRRS and follow-up feasibility studies to properly factor them into the "future-without" scenario.

MULTI-ORGANIZATIONAL SCOPING TEAM / UMBRELLA COORDINATION TEAM

38. Per the recommendations from four of five breakout groups, it was decided to have the MOST evolve into the UCT.

39. After careful deliberation following the I/O meeting, the MOST/UCT membership list (shown below) was selected by drawing from an existing organizational structure, the RRBB's Plan Management Committee, and factoring in suggestions from the breakout groups. NOTE: At the time this memo was prepared, names had not been assigned to all candidate stakeholder members … and named individuals had not been contacted to confirm their availability and willingness to serve.

MOST / UCT CANDIDATE MEMBERS	
ORGANIZATION	**REPRESENTATIVE**
U.S. / Canada Federal	
Corps of Engineers	Tom Raster
U.S. Fish & Wildlife Service	Terry Ellsworth
Canada Prairie Farm Rehabilitation Administration (PFRA)	Alain Vermette
State / Province	
MB Conservation	Steve Topping or John Towle
MN Department of Natural Resources (DNR)	Paul Swenson
MN Pollution Control Agency (PCA)	Jeff Lewis
ND State Water Commission (SWC)	Randy Gjestvang or Lee Klapprodt
SD Department of Environment and Natural Resources	?
MN Board of Water & Soil Resources (BWSR)	Brian Dwight
ND Health Department	Francis Schwindt
Regional / Local	
Red River Basin Board (RRBB)	Chuck Fritz
Red River Watershed Management Board (RRWMB)	Don Ogaard
Red River Joint Water Resource Board	Gary Thompson
Pembina Valley Water Coop	Sam Schellenberg
Cities	Mark Bittner
Non-Governmental Organizations	
Audubon Society (ND)	Genevieve Thompson
MN Center for Environmental Advocacy	Mark Ten Eyck
Tribal	
Red Lake Band	Chuck Meyer

SUBBASIN BREAKDOWN AND SCOPING TEAM MAKEUP

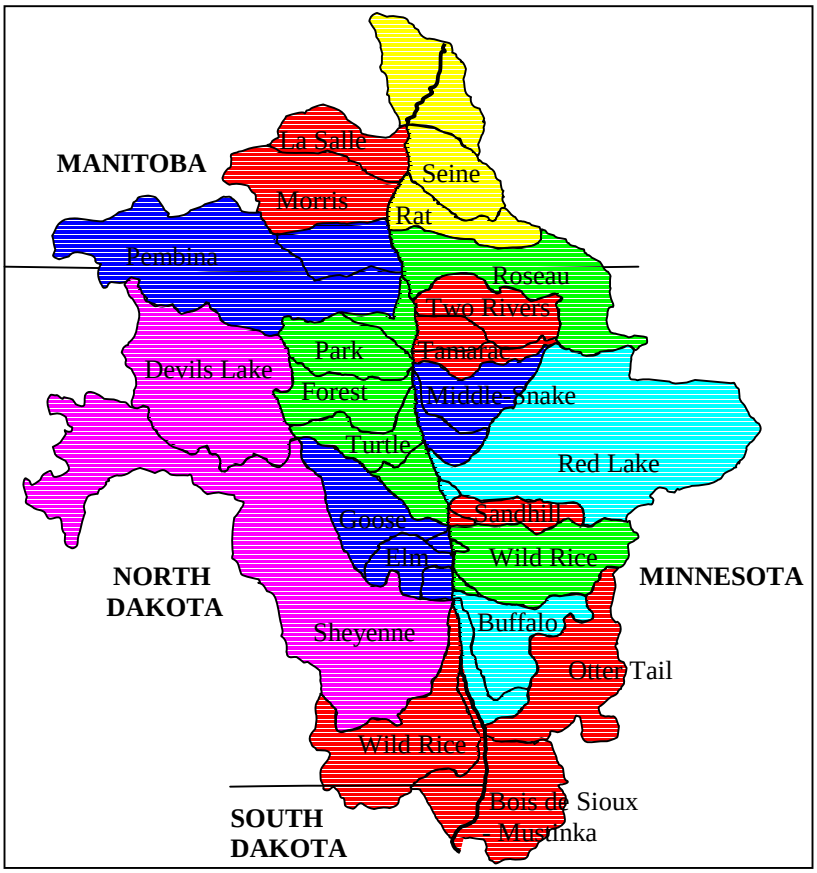
40. The following tables, map, and discussion present each breakout group's suggested subbasin breakdown:

SUBBASIN BREAKDOWN AND SCOPING TEAMS
Breakout Group
F-M and upstream
• Ottertail River
• Bois de Sioux River
• Wild Rice River (ND)
• Fargo-Moorhead urban area

ND: Between F-M and GF-EGF
• Sheyenne River + Devils Lake
• Goose River + Elm River + local drainage areas running off to the main stem
MN: Between F-M and GF-EGF
• Buffalo-Red River (Buffalo-Red Watershed District)
• Wild Rice (Wild Rice Watershed District)
• Sand Hill River (Sand Hill River Watershed District)
• Red Lake River (Red Lake Watershed District)
ND-MB: Downstream of GF-EGF
• Pembina River + Buffalo Creek
• LaSalle River + Morris
• Park River + Forest River + Turtle River
MN-MB: Downstream of GF-EGF
• Use International Roseau River Board (IRRB) for Roseau subbasin
• Identify other MN subbasins according to existing watershed districts … although there is no current organization for the Tamarac River watershed
• No subbasin breakdown within MB

41. F-M and upstream — This breakout group divided this area into four sub-areas – the Ottertail watershed, Bois de Sioux watershed, Wild Rice (ND) watershed, and Fargo-Moorhead urban area. The most likely organizational structure is one scoping team with four sub-teams representing the four sub-areas … and a Corps staffer or planning consultant providing inter-team coordination and crafting the sub-teams' output into a single PSP for the follow-up feasibility study.

42. ND: Between F-M and GF-EGF — This breakout group suggested splitting the ND area between Fargo and Grand Forks into two subbasins – one covering the Goose River and Elm River watersheds plus local drainage areas running off to the main stem … and the other covering the Sheyenne River and Devils Lake watersheds. The breakout group felt that the issue of a natural spill or manmade outlet from Devils Lake to the Sheyenne River linked those watersheds to the extent that it was crucial to have a single/joint scoping team address the interdependent water resources concerns. However, because of the size of this combined subbasin and the distinctly different issues upstream and downstream of Baldhill Dam, the breakout group urged that this scoping team include subcommittees for the upper Sheyenne River + Devils Lake and the lower Sheyenne River + Maple River.



43. MN: Between F-M and GF-EGF — This breakout group concurred with the idea of using the watershed districts' Mediation Agreement project teams already in place. One complication: The Red Lake subbasin currently has three project teams that cover some but not all Red Lake subwatersheds … and that the watershed district would have to consolidate into a single scoping team and broaden its scope to cover the entire Red Lake subbasin.

44. ND-MB: Downstream of GF-EGF — This breakout group recommended two subbasins, one combining the Pembina River and Buffalo Creek subwatersheds and the second combining the Park River, Forest River, and Turtle River subwatersheds into a single subbasin that joins forces with the Grand Forks urban area. This group suggested the following candidate stakeholders for scoping teams (depending on whether the subbasin was all-U.S., all-Manitoba, or straddled the border: MB Water Resources, MB Conservation, MB Agriculture, Rural Municipality councils, MB and ND Conservation Districts, PFRA, DU, ND Sierra Club, ND water resource boards, SWCDs, and ND regulatory agencies.

45. MN-MB: Downstream of GF-EGF — The newly formed International Roseau River Board might serve as the nucleus of a scoping team covering both the U.S. and Canadian portions of the Roseau River subbasin. Other U.S. subbasins may be handled on a subwatershed basis; however, there is no current watershed district for the Tamarac River drainage area. The breakout group did not recommend a breakdown for Manitoba subwatersheds; Canadian/Manitoban stakeholders can address that issue if they elect to undertake an effort paralleling or dovetailing with the RRRS.

46. Bottom line: The following table shows a sampling of potential subbasin scoping team participants. This table is based on breakout group suggestions, MN watershed district project team membership lists, and post-I/O meeting discussions. This list does not present all possible candidates for scoping team membership … nor will scoping teams include the entire list. Each scoping team should tailor its membership to fit its particular needs (FDR? NRE?), geographic area (Strictly ND? Straddling the International Border?), stakeholder interest (Does DU want to participate?), etc.

47. The breakout groups did not define a 'minimum scoping team.' However, below some point, the issue of fair stakeholder representation is likely to be brought up, the adequacy of the follow-up feasibility study PSP will be suspect, and the potential for attracting cost-sharing partners will be diminished.

POTENTIAL SUBBASIN SCOPING TEAM MEMBERS
ORGANIZATION
U.S. Federal
Corps of Engineers
USFWS
USDA –NRCS
USDA – FSA
USGS
FEMA
EPA
Canada Federal
Emergency Preparedness Canada
Canada Prairie Farm Rehabilitation Administration (PFRA)
State / Province
MB Conservation
MN Department of Natural Resources (DNR)
MN Pollution Control Agency (PCA)
MN Board of Water & Soil Resources (BWSR)
MN DOT
ND State Water Commission (SWC)
ND Health Department
ND Game & Fish Department

ND DOT
SD Department of Environment and Natural Resources
SD Department of Game, Fish & Parks
International / Regional
IJC
Red River Basin Board (RRBB)
Red River Watershed Management Board (RRWMB)
Red River Joint Water Resource Board (RRJWRB)
Red River Regional Council
Red River Water Management Consortium
Red River Water Resource Council
Sheyenne Joint Water Resource Board
Devils Lake Joint Water Resource Board
Pembina Valley Water Coop
TIC
Local
Communities
County board
County SWCD
Township board
ND county water resource district
MN watershed district
MB rural municipality
Landowner/private citizen
Non-Governmental Organizations
Audubon Society
Sierra Club
MN Center for Environmental Advocacy
Ducks Unlimited
Farm organizations
Save the Sheyenne
The Nature Conservancy
River Keepers
Tribal
Spirit Lake Tribe
Red Lake Band
White Earth Band
Roseau River First Nations
Sisseton-Wahpeton Sioux Tribe

MAIN STEM SCOPING TEAM

47. The breakout groups disagreed on the concept of a main stem scoping team – making no recommendation … listing possible participants … and positing that a separate main stem scoping team was inappropriate.

48. The table below reflects suggestions from three of the breakout groups:

POTENTIAL MAIN STEM SCOPING TEAM MEMBERS
ORGANIZATION
U.S. Federal
Corps of Engineers

USFWS
USGS
FEMA
EPA
Canada Federal
Unspecified
State / Province
MB Conservation
MN Department of Natural Resources (DNR) – Waters
MN Department of Natural Resources (DNR) – Fisheries/Wildlife
ND State Water Commission (SWC)
ND Health Department
ND Game & Fish Department
International / Regional
Red River Watershed Management Board (RRWMB)
Red River Joint Water Resource Board (RRJWRB)
Local
Communities
Non-Governmental Organizations
Audubon Society
River Keepers
Tribal
None

49. Two breakout groups recommended against a separate main stem scoping team on the grounds that (a) main stem issues are the same as the rest of the watershed, (b) a main stem team would distract from and diminish the holistic watershed perspective, and (c) there is a 'danger' having separate main stem and subbasin feasibility studies without consideration of impacts on upstream and downstream watersheds. One group proposed compelling main stem municipalities to join the appropriate subbasin scoping teams. Point (a) is valid in a general sense because FDR, NRE, water quality, etc., are universal issues. But point (a) overlooks the varying specificity of those issues from subbasin to subbasin. Likewise, the main stem has a unique perspective on those issues, e.g., the proposed greenway and the ND/MN ag levee controversy. Points (b) and (c) forget the role of the UCT, i.e., coordinating main stem and subbasin scoping efforts to ensure assessment of upstream, downstream, and main stem effects, aim at compatibility, prevent redundancy and overlap, prevent things from falling through the cracks.

50. Bottom line: After full consideration of the breakout group suggestions vis-à-vis the strawman RRRS framework vis-à-vis the main stem scoping team's role, it was decided to NOT have a separate main stem scoping team. Instead, the UCT will have a 'main stem subcommittee' address main stem scoping issues and contribute to the UCT PSP. The main stem subcommittee will consist of appropriate UCT members plus other main stem stakeholders, e.g., additional community representatives. Close coordination between the UCT, its main stem subcommittee, and subbasin scoping teams will guarantee that the UCT PSP covers problems/needs/opportunities not addressed in subbasin PSPs (e.g., the proposed greenway) and does not overlap subbasin PSPs … and that subbasin PSPs address main stem benefits and impacts.

CONFLICT RESOLUTION BOARD

51. The breakout groups adopted different positions regarding the CRB – listing possible participants … simply emphasizing that neutrality requires non-involved entities … repudiating the CRB concept … and offering no recommendation.

52. The group that listed candidate CRB participants suggested the following:

POTENTIAL CONFLICT RESOLUTION BOARD MEMBERS
ORGANIZATION
U.S. Federal
Corps of Engineers
Canada Federal
None
State / Province
MB Conservation – Water Resources Branch
MN Department of Natural Resources (DNR)
ND State Water Commission (SWC)
ND Game & Fish Department
International / Regional
Red River Watershed Management Board (RRWMB)
Red River Joint Water Resource Board (RRJWRB)
Local
Communities
Non-Governmental Organizations
Audubon Society OR The Nature Conservancy
Tribal
None

53. This list is subject to debate: A dozen such lists could be developed with different or additional or fewer members depending on the perspective of the preparer. And, notwithstanding the desire to keep the CRB as lean as practicable, the above list has some obvious voids, e.g., Canada Federal and tribal representation. One point of view is that the key factor is to have some agreed-upon 'conflict resolution process' rather than a fixed list of participants … and that participants should be tailored to fit the issue at hand.

54. It's important to distinguish between the suggested role of the RRRS's CRB and the dispute resolution process in the standard Feasibility Cost Sharing Agreement (FCSA) between the Corps and non-Federal sponsor. Theoretically, the CRB could address RRRS issues ranging in scope from a basinwide-type squabble between subbasin scoping teams to an intra-subbasin scoping team conflict … anytime during the recon-feasibility-implementation process. The FCSA dispute resolution process would come into play only during a follow-up subbasin feasibility study and would address issues specific to that particular feasibility study. Matters that overlapped those two jurisdictions would ultimately fall under the legal and binding FCSA contract. But because one of the FCSA's dispute resolution options is non-binding arbitration with a qualified third party, that third party could be the CRB … with the representatives from the Corps and non-Federal sponsor (if the latter sits on the CRB) recusing themselves.

55. One breakout group stressed only that CRB members need to be neutral, e.g., non-involved Federal and State agencies, NGOs, universities, outside mediators, and/or political representatives. This group did not develop a list of candidate CRB members, which suggests that this group envisioned membership being determined on a case-by-case basis, with parties to the dispute recusing themselves.

56. The breakout group repudiating the CRB concept felt that 'heads' of State organizations had no authority to resolve conflicts … and that conflict resolutions must be dealt with locally, perhaps with a professional arbitrator. However, that theory of dealing with disputes 'locally' will not cover inter-subbasin or interstate issues. Furthermore, the authority factor is a matter of informally (or formally via a MOU or MOA, if necessary) delegating to the CRB whatever degree of authority is not legally reserved to the respective parties. For example, the CRB obviously could not abrogate the Boundary Waters Treaty of 1909, overturn National Wildlife Refuge operating plans, disregard State floodplain regulations, etc.

57. Bottom line: After full consideration of the breakout groups' suggestions vis-à-vis the CRB's limited role and authority and anticipated rare need therefor, it was decided to eliminate the CRB from the RRRS

framework … and to resort to non-binding facilitation when an issue cannot be settled at the subbasin scoping team or UCT level. Should non-binding facilitation fail to resolve an issue, the parties would define the issue and their respective positions, and postpone further attempts at resolution till the subsequent phase of the recon-feasibility-implementation process. If postponement is not an option, the parties may resort to appropriate legal remedies to settle the issue.

THOMAS E. RASTER
Project Manager
Corps of Engineers